CLOSED

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

United States of America

v.

Hector Manuel Cantu-Ortiz

Citizen of Mexico

USM#: 67585008 DOB: 1979

JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed on or After November 1, 1987)

No. 08-15134-001M-SD

Juan Rocha (AFPD)
Attorney for Defendant

ICE#: A78 677 085

THE DEFENDANT ENTERED A PLEA OF guilty on 1/22/2008 to Count THREE of the Complaint.

ACCORDINGLY, THE COURT HAS ADJUDICATED THAT THE DEFENDANT IS GUILTY OF THE FOLLOWING OFFENSE(S): violating Title 8, USC § 1325, Illegal Entry, a Petty offense, as charged in Count THREE of the Complaint.

IT IS THE JUDGMENT OF THE COURT THAT the defendant is hereby committed to the custody of the Bureau of Prisons for a term of ONE HUNDRED FIFTY (150) DAYS on Count THREE, with credit for time served.

IT IS FURTHER ORDERED that all remaining counts are dismissed on motion of the United States.

CRIMINAL MONETARY PENALTIES

The defendant shall pay to the Clerk the following total criminal monetary penalties:

SPECIAL ASSESSMENT: $Remitted **FINE:** $ **RESTITUTION:** $

If incarcerated, payment of criminal monetary penalties are due during imprisonment at a rate of not less than $25 per quarter and payment shall be made through the Bureau of Prisons' Inmate Financial Responsibility Program. Criminal monetary payments shall be made to the Clerk of U.S. District Court, Attention: Finance, 880 Front Street, San Diego, California 92101. Payments should be credited to the various monetary penalties imposed by the Court in the priority established under 18 U.S.C. § 3612(c). The total special assessment of $Remitted shall be paid pursuant to Title 18, United States Code, Section 3013 for Count THREE of the Complaint.

Any unpaid balance shall become a condition of supervision and shall be paid within prior to the expiration of supervision. Until all restitutions, fines, special assessments and costs are fully paid, the defendant shall immediately notify the Clerk, U.S. District Court, of any change in name and address. The Court hereby waives the imposition of interest and penalties on any unpaid balances.

IT IS FURTHER ORDERED that the Clerk of the Court deliver two certified copies of this judgment to the United States Marshal of this district.

The Court orders commitment to the custody of the Bureau of Prisons.
The defendant is remanded to the custody of the United States Marshal.

Date of Imposition of Sentence: **Tuesday, January 22, 2008**

_______________________________________ Date 1/22/2008
JAY R. IRWIN, United States Magistrate Judge

RETURN

I have executed this Judgment as follows:_______________________________________

Defendant delivered on ___________ to ______________________ at ________________________, the institution designated by the Bureau of Prisons, with a certified copy of this judgment in a Criminal case.

_______________________________________ By:_______________________________________
United States Marshal Deputy Marshal
08-15134-001M-SD -

UNITED STATES DISTRICT COURT — MAGISTRATE JUDGE'S MINUTES
SOUTHERN DISTRICT OF CALIFORNIA - Yuma

DATE: 1/22/2008 CASE NUMBER: 08-15134-001M-SD

PLEA/SENTENCING MINUTES
USA vs. Hector Manuel Cantu-Ortiz

U.S. MAGISTRATE JUDGE: JAY R. IRWIN Judge #: 70BK
U.S. Attorney ____________ INTERPRETER REQ'D Marcia Resler
LANGUAGE: Spanish
Attorney for Defendant Juan Rocha (AFPD)

DEFENDANT: ☒ PRESENT ☐ NOT PRESENT ☐ RELEASED ☒ CUSTODY

DOA 1/20/08 ☒ Complaint Filed ☒ Appointment of counsel hearing held
☐ Financial Afdvt taken ☒ No Financial Afdvt taken ☐ Financial Afdvt sealed
☒ Initial Appearance

DETENTION HEARING: ☐ Held ☐ Cont'd ☐ Reset ☐ UA
Set for: before:
☐ Defendant ordered temporarily detained in the custody of the United States Marshal
☐ Defendant ordered released (see order setting cond of rel) ☐ Bail set at $__________
☐ Defendant continued detained pending trial ☐ Flight Risk ☐ Danger

PLEA HEARING: ☒ Held ☐ Cont'd ☐ Reset
Set for: before:
☐ Consent to be tried by a Magistrate Judge signed ☐ Class A Misd ☐ Class B Misd ☐ Class C Misd
☐ Consent of Defendant ☐ Information filed ____________ ☐ Complaint filed ____________
☒ Defendant sworn and examined by the Court ☒ Plea of Guilty ☐ Not Guilty ☒ Entered to Counts THREE
☐ Defendant states true name to be _____. Further proceedings ORDERED in defendant's true name.
☒ Plea of Guilty entered as to Ct(s) THREE of the ☐ Information ☐ Indictment ☒ Complaint
☒ Court recommends/or accepts defendant's plea and finds plea to be freely and voluntarily given.
☐ Plea agreement: ☐ Lodged ☐ Filed ☐ Sealed
☐ Court does not accept defendant's plea of guilty because ____________
☐ PSI ORDERED ☐ EXPEDITED ☒ PSI waived ☐ Time waived for passage of sentence
☐ Continued for sentence to __ before ____________
☒ To be dismissed upon entry of the judgment, Ct(s) ONE/TWO
☒ ORDER vacate trial date/motion hearing/mtns moot
☐ ORDER defendant remain released pending sentence ☒ remanded to USM

SENTENCING:
☒ Defendant committed to Bureau of Prisons for a period of 150 DAYS ☐ Probation/Supervised Release for ________
☒ Special Assessment $ REMITTED ☐ Fine $_______ ☐ Restitution $_______
Other: ____________

RECORDED: CS
BY: Jocelyn M. Arviso, Deputy Clerk

IN THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF CALIFORNIA

United States of America, Plaintiff, vs. Cantu-Ortiz, Hector Defendant.	CASE NUMBER 08-15134M-SD
	WAIVER OF REMOVAL HEARING

I waive my right to have a Removal Hearing and agree that my case may be adjudicated in the Southern District of California.

DATED this 22 day of January, 2008.

x Hector Cantu
Defendant

Attorney for the Defendant

United States District Court

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA
V.
Hector Manuel CANTU-Ortiz
Citizen of Mexico
YOB: 1979
A78 677 085
Illegal Alien

CRIMINAL COMPLAINT

CASE NUMBER: 08-15134M-SD

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief.

COUNT I

That on or about December 13, 2006, Defendant Hector Manuel CANTU-Ortiz was arrested and removed from the United States to Mexico through the port of Nogales, Arizona, in pursuance of law, and thereafter on or about January 20, 2008, Defendant was found in the United States near San Luis, Arizona within the District of Arizona, the Secretary of the Department of Homeland Security not theretofore having consented to any reapplication by the Defendant for admission into the United States and after the Defendant had willfully and unlawfully returned and remained in the United States; in violation of Title 8, United States Code, Section 1326 (Felony).

COUNT II

That on or about January 14, 2008, within the Southern District of California, Defendant Hector Manuel CANTU-Ortiz, an alien, did knowingly and willfully enter the United States at a time or place other than as designated by Immigration Officers and elude examination or inspection by Immigration Officers; in violation of Title 8, United States Code, Section 1325, in that the Defendant was previously convicted for violation of Title 8, United States Code, Section 1325, on August 7, 2006 (Felony).

COUNT III

That on or about January 14, 2008, within the Southern District of California, Defendant Hector Manuel CANTU-Ortiz, an alien, did knowingly and willfully enter the United States at a time or place other than as designated by Immigration Officers; in violation of Title 8, United States Code, Section 1325 (Misdemeanor).

Continued on the attached sheet and made a part hereof. ☒ Yes ☐ No

N. Kingston
Signature of Complainant
Nicholas Kingston
Senior Patrol Agent

Sworn to before me and subscribed in my presence,

January 22, 2008 at Yuma, Arizona
Date City and State

Jay R. Irwin, U.S. Magistrate
Name & Title of Judicial Officer

Signature of Judicial Officer

STATEMENT OF FACTUAL BASIS

Defendant: Hector Manuel CANTU-Ortiz

Dependents: 1 Mexican

IMMIGRATION HISTORY: The Defendant was last removed through Nogales, Arizona on December 13, 2006 **and has been formally removed from the United States on a total of 7 occasions with 14 apprehensions by the Border Patrol.**

CRIMINAL HISTORY:

DATE/LOCATION		OFFENSE	DISPOSITION
11/15/99	Nevada City, CA	Lewd or Lascivious Act w/ child under 14 yrs.	Dismissed
		Annoy Etc. Child	194 Days Jail, 36 Month Prob.
11/17/00	Yuma, AZ	Illegal Entry	20 Days Jail
03/15/01	Yuma, AZ	Illegal Entry	45 Days Jail
08/08/01	Yuma, AZ	Illegal Entry	75 Days Jail
08/09/02	Phoenix, AZ	Illegal Entry	90 Days Jail
10/18/04	Yuma, AZ	Illegal Entry	100 Days Jail
07/23/05	Yuma, AZ	Endangerment	Unknown
		Reckless Driving	Unknown
		Fail to Stay/ With Death/ Injury	Unknown
08/04/06	Yuma, AZ	Illegal Entry	130 Days Jail

Narrative: The Defendant, a citizen of Mexico and illegally within the United States, was encountered by Yuma Border Patrol agents near San Luis, Arizona.

The Defendant was questioned as to his citizenship and immigration status. From that questioning agents determined that the Defendant is an undocumented national of Mexico and illegally in the United States.

The Defendant was transported to the Yuma station for processing. During processing, questioning and computer record checks the above criminal and immigration information was obtained as it relates to this Defendant.

The Defendant last entered the United States illegally without inspection near Calexico, California on January 14, 2008.

Charges:
8 USC§1326 (Felony)
8 USC§1325 (Felony)
8 USC§1325 (Misdemeanor)

Signature of Complainant

Sworn to before me and subscribed in my presence,

January 22, 2008
Date

Signature of Judicial Officer

Probable Cause Statement

I, Senior Patrol Agent Nicholas Kingston, declare under penalty of perjury, the following is true and correct:

Defendant: Hector Manuel CANTU-Ortiz

Dependents: 1 Mexican

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Executed on: January 21, 2008 *Time: 8:37 AM*

Signed: ______ *Senior Patrol Agent*

Finding of Probable Cause

On the basis of the facts presented in the foregoing Probable Cause Statement, consisting of one page, I find probable cause to believe that the defendant named therein committed the offense on January 14, 2008 in violation of Title 8, United States Code, Sections 1325 and 1326.

Finding made on: January 21, 2008 *Time* 11:00 AM

Signed: ______ *United States Magistrate Judge*